

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON JUNE 19, 2015,  
ADOPTED RESOLUTION NO. 0615-02 WHICH READS AS FOLLOWS:

**RESOLUTION  
BY THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH  
PROPOSING THAT A PUBLIC HEARING BE HELD  
ON THE SUBJECT OF  
AMENDING CHAPTER 270, ZONING,  
OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH,  
DELAWARE, 2001, SECTION 270-35,  
RELATING TO OFF STREET PARKING FOR RESIDENTIAL UNITS.**

**WHEREAS**, the Commissioners of the City of Rehoboth Beach have deemed it desirable to consider the question of whether to amend Chapter 270, Sections 270-35, relating to off street parking for residential units; and

**WHEREAS**, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes”; and

**WHEREAS**, Section 1(d) of the City’s Charter provides that “[a]ll Powers of The Commissioners of Rehoboth Beach, whether express or implied, shall be exercised as prescribed by [the City] Charter, or, if the procedure, or mode of exercise, be not prescribed herein, such power or powers shall be exercised by ordinance or resolution of The Commissioners”; and

**WHEREAS**, Article X, Chapter 270, Section 270-88 of the Municipal Code of the City of Rehoboth Beach provides the following procedure to be followed by the

Commissioners of Rehoboth Beach before exercising the aforesaid authority granted by statute and the City Charter:

1. Hold a public hearing at which hearing parties in interest and citizens shall have an opportunity to be heard;

2. Provide at least 15 days' notice of such hearing by publishing notice of the time and place of such hearing in an official paper or paper of general circulation in the City.

**NOW THEREFORE, BE IT RESOLVED**, by the Commissioners of the City of Rehoboth Beach, in session met, this 19th day of June, 2015, that a public hearing shall be held pursuant to Article X, Chapter 270, Section 270-88 of the Municipal Code of the City of Rehoboth Beach on the 17th day of July, A.D. 2015, at 7:00 p.m., in the Commissioners' Room, 229 Rehoboth Avenue, Rehoboth Beach, Sussex County, Delaware, to consider the question of whether it is in the public interest to amend Chapter 270, Sections 270-35, relating to off street parking for residential units, as follows:



**SEE EXHIBIT A**



**BE IT FURTHER RESOLVED**, that parties in interest and citizens shall have an opportunity to be heard at said public hearing.

**BE IT FURTHER RESOLVED**, that this Resolution to hold a public hearing shall be printed at least 15 days prior to said public hearing in an official paper or paper of general circulation in the City.

**BE IT FURTHER RESOLVED**, that the Ordinance to be considered at the July 17,

2015 public hearing, is subject to the pending ordinance doctrine and Section 270-84 of the Municipal Code of the City of Rehoboth Beach. Upon its introduction at the June 19, 2015 public meeting of the Mayor and Commissioners, the City's Building and Licensing Department shall thereafter reject any new application that is inconsistent with the amendments to Chapter 270 provided in the Ordinance until such time as the Mayor and Commissioners take action on the Ordinance.

**AN ORDINANCE TO AMEND CHAPTER 270, ZONING,  
OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001,  
SECTION 270-35,  
RELATING TO OFF STREET PARKING FOR RESIDENTIAL UNITS**

**WHEREAS**, the Mayor and Commissioners are committed to the sustainability and long-term protection of the traditional residential character of the City's residential neighborhoods;

**WHEREAS**, the 2010 Rehoboth Beach Comprehensive Development Plan provides:

Rehoboth Beach is now and will remain a town within a town. It has two sets of active users—residents and visitors. It has two physical identities—residential community and resort. And it has two levels of municipal service—local and regional. Maintaining balance among these various identities is a continuing challenge of managing traffic, parking, oceanfront land use, municipal service, business stability, commercial and neighborhood appearance, and governance. Rehoboth Beach will achieve this balance by using the Comprehensive Development Plan to give constant attention to the long-term foundations of our community—the ocean, beach, and waterways; the parks; the residential and commercial neighborhoods, the transportation network; and our public and private services. (2010 Rehoboth Beach Comprehensive Development Plan, p. 11).

**WHEREAS**, the 2010 Rehoboth Beach Comprehensive Development Plan further provides:

Although progress has been made to reduce the scale of mega-vacation homes by using new FAR and other restraints, the fundamental problem of regulating the use of vacation rental properties of whatever size remains a disappointment of the 2004 CDP. The Planning Commission continues to hear repeated public concern about overcrowded units, large numbers of cars at units, cars blocking sidewalks, and associated loud and unruly behavior. (2010 Rehoboth Beach Comprehensive Development Plan, p. 83).

**WHEREAS**, the proliferation of dwelling units of a larger scale than those that have traditionally existed in the City has allowed for higher occupancies within such dwelling units and has contributed to the increasing number of vehicles within the City; and

**WHEREAS**, off street parking areas, even if constructed of pervious material, fail to provide the desirous qualities of natural area, as that term is defined within the City's Municipal Code; and

**WHEREAS**, the Mayor and Commissioners desire to quell the proliferation of dwelling units of larger scale than those that have traditionally existed in the City in order to address traffic and parking congestion, noise, and other undesirable qualities often associated with larger dwelling units; and

**WHEREAS**, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes”; and

**WHEREAS**, Article X, Amendment Procedure, Sections 270-86 and 270-88 of the Municipal Code of the City of Rehoboth Beach provides the following procedure to be followed by the City Commissioners before exercising the aforesaid authority:

1. Hold a public hearing at which hearing parties in interest and citizens shall have an opportunity to be heard;
2. Provide at least fifteen (15) days’ notice of such hearing by publishing notice of the time and place of such hearing in an official newspaper of the City of Rehoboth Beach or a newspaper of general circulation in the City; and

**WHEREAS**, a public hearing was conducted on \_\_\_\_\_, 2015.

**WHEREAS**, at least fifteen (15) days’ notice of such hearing was provided by publishing notice of the time and place of such hearing in an official paper or a paper of general circulation in the City; and

**BE IT ORDAINED** by the Commissioners of the City of Rehoboth Beach, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

**Section 1.** Chapter 270, Section 270-35 (Minimum Parking Spaces Required; Exceptions) of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the phrase “2 per dwelling or dwelling unit” as that phrase appears in the “Number of Spaces Required” column and is associated with the “Use” category of “All residential units including accessory structures used as dwelling or dwelling units” and inserting in lieu thereof the following:

2 per dwelling or dwelling unit having up to 3 toilets plus 1 additional space per each additional toilet

**Section 2.** Chapter 270, Section 270-35 (Minimum Parking Spaces Required; Exceptions) of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by adding a new Subsection E, as follows:

E. Any required off-street parking space, regardless of surfacing material, shall not count as natural area.

**Section 3.** This Ordinance is subject to the pending ordinance doctrine and Section 270-84 of the Municipal Code of the City of Rehoboth Beach. Upon its introduction and the scheduling of a public hearing by the Mayor and Commissioners, the City’s Building and Licensing Department shall thereafter reject any new application that is inconsistent with the amendments to Chapter 270 provided in the Ordinance until such time as the Mayor and Commissioners take action on the Ordinance.

**Section 4.** If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 5.** This Ordinance shall take effect immediately upon its adoption by the Commissioners of the City of Rehoboth Beach.

Adopted by the Commissioners  
of the City of Rehoboth Beach  
\_\_\_\_\_, 2015

\_\_\_\_\_  
Secretary of the Commissioners of  
the City of Rehoboth Beach

**SYNOPSIS:** This Ordinance revises the manner in which the required number of off-street parking spaces is established for residential units, and provides that such off-street parking spaces shall not be considered to be natural area.